IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO. 1330 OF 2004

Manilal Hiralal & Co. Pvt. Ltd. ...Petitioner.
Vs.
Municipal Corporation of Gr.Mumbai & Ors. ...Respondents.

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Mr. Utpal Joshi with Mr. D. V. Mehta i/b. Thakurdas & Madgavkar for the Petitioner.
Mr. K. K. Singhvi, Senior Counsel with Ms. A. K. Savla for Respondent Nos.1 and 2.
Mr. A. Sayed, A. G. P. for Respondent No.3.

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CORAM : DALVEER BHANDARI,C.J. &
DR.D.Y.CHANDRACHUD, J.

August 17, 2004.

P.C.:

This petition is directed against the notices given by the Municipal Corporation of Greater Bombay. These notices have been given in pursuance to the complaint of the petitioner against the rateable value of the aforesaid property. The relevant portion of the notice reads as under :

> "Your Complaint against the rateable value of the aforesaid property was/were fixed for hearing on 17-04-2002 and intimation to that effect was/were given to you in advance. However, you failed to appear on that date.

> I hereby give you final notice that having been empowered by the Commissioner under section 68 of the above Act to investigate and dispose of the complaints under Section 68 of the above Act to investigate and dispose of the complaints under Section 162-165 of the Municipal Act, the said complaint will be investigated on Saturday the 4th day of January 2003 at 11.30 a.m. S. T. by the A & C at Head office (H.O.) at which time you requested to attend with counterfoils of rent receipts, Rent account books, Bills for water charges and electrical energy. Leases, Agreements and other documents for this and for the past year relating to premises in question and bearing on the question of the rateable value thereof. Please note that if you fail to attend at this time with all relevant documents that you may have in your possession, your complaint will be disposed of in your absence under section 165(1) of the Bombay Municipal Corporation Act without any intimation to you in the matter."

In our considered opinion, the writ petition is premature and is dismissed as such. However, Mr. K. K. Singhvi, Learned Senior Counsel appearing for the Corporation greciously agree to give all the inspections and necessary documents to the petitioner which it may require for giving proper reply to the Corporation. The petitioner would indicate within two days whatever documents it requires and the copies of the documents which are in possession of the Corporation would be supplied within two weeks. No further directions are necessary in this writ petition. The writ petition is dismissed.

The parties to act on an ordinary copy of this order duly authenticated by the office of this Court.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.